

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Public Services – Srikalahasti Municipality – Certain irregularities committed in leasing out the areas of Tourist Bus Stand and Swarnamukhi Sand Quarry in Srikalahasti Municipality and negligence in collecting the dues at Srikalahasti Municipality – Enquiry conducted – Revised/ modified penalty against Sri T.K. Hari, the then Revenue Inspector, Srikalahasti Municipality and now Senior Assistant, Tirupati Municipal Corporation – Orders – Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig-III.2) DEPARTMENT

**G.O.RT.No. 139**

**Dated: 28.02.2015**

Read the following:-

1. G.O. Rt No. 326, MA&UD(E2) Dept., Dt. 27.02.2008.
2. From the Hon'ble APAT, Hyderabad, Order dt. 20.11.2012 in O.A. No.4689/2010.
3. From the Commissioner & Director of Municipal Administration, A.P., Hyderabad D.O. Letter No.Rc.14901/2002/E1-1, dt. 20.03.2014.
4. From the Hon'ble High Court of A.P., orders dt.11.04.2014 in W.P. No. 38000/2013.

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**ORDER:**

In the G.O. 1<sup>st</sup> read above, a penalty of stoppage of two annual grade increments with cumulative effect was imposed against Sri T.K. Hari, the then Revenue Inspector, Srikalahasti Municipality and now Senior Assistant, Tirupati Municipal Corporation on certain irregularities committed in leasing out the areas of Tourist Bus Stand and Swarnamukhi Sand Quarry in Srikalahasti Municipality and negligence in collecting the dues at Srikalahasti Municipality.

2. Aggrieved to above orders, Sri.T.K.Hari, the then R.I, Srikalahasthi Municipality and now Senior Assistant, Tirupati Municipal Corporation has filed O.A.No.4689/2010 in the Hon'ble APAT challenging the punishment orders. The Hon'ble APAT in their orders second read above, while setting-a-side the orders first read above, have issued the following orders :-

*".....From the beginning, after the charges framed against the applicant, the Government appointed the Enquiry Officer and the presenting Officer but the enquiry was conducted behind the back of the applicant. At no point of time, the applicant was involved into the enquiry though he has been requesting for continuously to be involved and to be heard into the enquiry. The enquiry was conducted exparte and based on the enquiry report though he requested and filed the OA in the Tribunal and the Tribunal passed orders with a request to consider his representation for change of Enquiry Officer and not to proceed with the enquiry. His request was rejected and a show-cause-notice was issued imposing punishment and ultimately, the impugned GO was issued. In a similar matter OA No. 8587/2012, the Tribunal passed interim orders on 16.11.2012.*

(P.T.O.)

*Now in this case also, the situation is the same that, the request of the applicant was negated and the ex parte enquiry was conducted. In view of the same, the impugned orders issued vide Municipal Administration & Urban Development (E2) Depart, dated. 27.02.2008 are set aside with a direction in to the respondents to conduct a fresh enquiry by following the procedure as prescribed under APCS (CC&A) Rules, 1991. The OA is allowed”.*

3. Government have filed W.P.No.38000 of 2013 in Hon’ble High Court of A.P. against the orders dt:22.11.2012 in O.A No.4689 of 2010. The Hon’ble High Court of A.P in its order third read above, have disposed the case as follows:

13. *“.....Coming to the quantum of punishment, though it is not for us to take the role of Disciplinary Authority, at the same time, when punishment imposed by the Disciplinary Authority is disproportionate to the proved misconduct and to avoid the unnecessary delay by remanding the matter to disciplinary authority for imposing appropriate punishment, we can modify the punishment. The allegations against respondent No.1 are that he failed to recover the arrears/due amount from the lessee; that he failed to bring it to the notice of Municipal Commissioner to take prompt action against defaulter for not remitting the monthly lease amount and daily installments; and that he also failed to discharge his legitimate duties in connection with recovery of arrears and regular installments from the lessee. At best, it can be said that there was negligence on the part of respondent No.1 in not promptly initiating appropriate proceedings for recovery of amounts due from the lessee, but the stoppage of two Annual Grade Increments with cumulative effect is disproportionate to the proved misconduct, which will have an effect through out his carrier and also after retirement with regard to monetary benefits. In view of the fact that it is a major punishment, which is not proportionate to the misconduct, we modify the punishment of stoppage of two Annual Grade Increments without cumulative effect.*

14. *With the above, modification, the writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.”*

4. Government after careful examination of the matter have decided to modify the penalty awarded vide G.O. first read above i.e. “stoppage of two annual grade increments with cumulative effect” to that of “stoppage of two annual grade increments without cumulative effect”, keeping in view the orders of Hon’ble APAT and the Hon’ble High Court of A.P. vide their orders second and fourth read above.

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5. Accordingly, Government hereby reduce the penalty awarded vide G.O. first read above i.e. **stoppage of two annual grade increments with cumulative effect** to that of "**stoppage of two annual grade increments with out cumulative effect**" imposed against Sri T.K. Hari, the then Revenue Inspector, Srikalahasti Municipality.

6. The Commissioner & Director of Municipal Administration A.P., Hyderabad / Municipal Commissioner, Tirupati Municipal Corporation, shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**GIRIDHAR ARAMANE**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri T.K. Hari, the then R.I. and now Sr. Asst., Engineering Section, Tirupati Municipal Corporation, Tirupati.

(through the Municipal Commissioner, Tirupati)

The Commissioner & Director of Municipal Administration A.P., Hyderabad.

The Commissioner, Tirupati Municipal Corporation, Tirupati.

Copy to:

The Secretary, A.P. Vigilance Commission.

The P.S. to M(MA&UD)

Sc/sf

// FORWARDED : BY ORDER //

SECTION OFFICER